

House File 394

H-1033

1 Amend House File 394 as follows:

2 1. Page 1, line 19, after <to> by inserting <offer
3 and>

4 2. Page 1, after line 20 by inserting:

5 <3. "*Transportation network company insurance*" means
6 a primary liability policy that covers a transportation
7 network company driver's operation of a motor vehicle
8 while providing transportation network company
9 services or in connection with a transportation network
10 company's digital network or software application
11 service.>

12 3. Page 1, by striking lines 21 through 33 and
13 inserting:

14 <4. "*Transportation network company services*" begin
15 when a transportation network company driver logs on
16 to a transportation network company's digital network
17 or software application service and indicates on the
18 digital network or software application service that
19 the driver is available for hire. "*Transportation*
20 *network company services*" end when a transportation
21 network company driver logs off of a transportation
22 network company's digital network or software
23 application service and indicates on the digital
24 network or software application service that the driver
25 is not available for hire.>

26 4. By striking page 3, line 7, through page 5, line
27 6, and inserting:

28 <1. Notwithstanding any other provision of law to
29 the contrary, this chapter governs the requirements of
30 insurance policies issued to a transportation network
31 company or a transportation network company driver
32 and the obligations of the parties to the insurance
33 policies.

34 2. A transportation network company or a driver
35 shall maintain transportation network company insurance
36 as required by this section. A transportation network
37 company shall maintain proof of any transportation
38 network company insurance maintained by the company, or
39 by a driver with the transportation network company,
40 in the motor vehicle used to provide transportation
41 network company services.

42 3. From the moment in which a driver accepts a
43 request from a passenger over the transportation
44 network company's digital network or software
45 application service until the moment the driver
46 completes the transaction on the company's digital
47 network or software application service or the ride
48 is complete, whichever is later, the transportation
49 network company insurance shall provide for coverage in
50 all of the following amounts:

1 a. One million dollars for death, bodily injury,
2 and property damage resulting from any one accident.
3 b. Uninsured motorist coverage and underinsured
4 motorist coverage in the amounts required under section
5 516A.1.
6 c. One million dollars for collision physical
7 damage coverage and comprehensive physical damage
8 coverage.
9 4. a. Subject to paragraph "b", the requirements
10 of subsection 3 may be satisfied by any of the
11 following:
12 (1) Transportation network company insurance
13 maintained by the driver.
14 (2) Transportation network company insurance
15 maintained by the transportation network company.
16 (3) A combination of subparagraphs (1) and (2).
17 b. Insurance maintained pursuant to paragraph
18 "a", subparagraph (1) or (3), shall satisfy the
19 requirements of this section only if the transportation
20 network company verifies that the driver maintains
21 transportation network company insurance and the policy
22 covers the driver's operation of the motor vehicle in
23 connection with the transportation network company's
24 digital network or software application service.
25 5. From the moment in which a driver logs on to
26 the transportation network company's digital network
27 or software application service and is available to
28 receive requests for transportation from passengers
29 until the driver accepts a request from a passenger
30 over the company's digital network or software
31 application service, and from the moment in which the
32 driver completes the transaction on the company's
33 digital network or software application service or
34 the ride is complete, whichever is later, until the
35 driver accepts another request from a passenger over
36 the company's digital network or software application
37 service or logs off the digital network or software
38 application service, the transportation network company
39 insurance shall provide for coverage in all of the
40 following amounts:
41 a. Two hundred thousand dollars for death, bodily
42 injury, and property damage resulting from any one
43 accident.
44 b. Uninsured motorist coverage and underinsured
45 motorist coverage in the amounts required under section
46 516A.1.
47 c. One hundred fifty thousand dollars for collision
48 physical damage coverage and comprehensive physical
49 damage coverage.
50 6. The requirements of subsection 5 may be

1 satisfied by any of the following:

2 a. Transportation network company insurance
3 maintained by the driver.

4 b. Transportation network company insurance
5 maintained by the transportation network company that
6 provides financial liability coverage in the event the
7 driver's insurance under paragraph "a" has ceased to
8 exist or has been canceled, or the driver does not
9 maintain transportation network company insurance.

10 c. A combination of paragraphs "a" and "b".

11 7. Where the transportation network company
12 insurance maintained by a driver to satisfy the
13 requirements of this section lapses, is canceled,
14 terminated, not renewed, or suspended, fails to provide
15 coverage, denies a claim, or ceases to exist for any
16 reason, the transportation network company insurance of
17 the transportation network company shall maintain the
18 coverage required by this section beginning with the
19 first dollar of a claim.

20 8. An insurer providing transportation network
21 company insurance to a transportation network company
22 or a driver shall defend and indemnify the insured.
23 Coverage pursuant to a transportation network company
24 insurance policy shall not be contingent on the denial
25 of a claim by another insurer of the insured covered by
26 the transportation network company insurance.

27 9. a. From the moment in which a driver logs on to
28 the transportation network company's digital network or
29 software application service until the driver logs off
30 the digital network or software application service,
31 all of the following apply:

32 (1) The driver's or the motor vehicle owner's
33 insurance policy shall not provide coverage to the
34 driver, the vehicle owner, or a third party, unless
35 the policy explicitly provides for coverage during the
36 period of time this paragraph "a" is applicable, with
37 or without a separate premium, or the policy contains
38 an amendment or endorsement that explicitly provides
39 for coverage during the period of time this paragraph
40 "a" is applicable, and a separate premium is charged.

41 (2) The insurer of the driver or the motor vehicle
42 owner shall not have the duty to defend or indemnify
43 claims related to transportation network company
44 services unless the policy explicitly provides for
45 coverage during the period of time this paragraph "a"
46 is applicable, with or without a separate premium, or
47 the policy contains an amendment or endorsement that
48 explicitly provides for coverage during the period of
49 time this paragraph "a" is applicable, and a separate
50 premium is charged.

1 b. Notwithstanding any other provision of law to
2 the contrary, an insurer may offer an insurance policy,
3 or an amendment or endorsement to an existing policy,
4 that covers the operation of a private passenger
5 vehicle, station wagon-type vehicle, sport utility
6 vehicle, or a similar type of vehicle, with a passenger
7 capacity of eight persons or less, including the
8 driver, used to provide transportation network company
9 services, only where the policy explicitly provides
10 for coverage during the period of time paragraph "a"
11 is applicable, with or without a separate premium, or
12 the policy contains an amendment or endorsement that
13 explicitly provides for coverage during the period
14 of time paragraph "a" is applicable, and a separate
15 premium is charged.

16 10. During the investigation of a claim, a
17 transportation network company or its insurer
18 shall cooperate with the other insurers involved
19 in the investigation to facilitate the exchange of
20 information, including but not limited to the dates
21 and times during which an accident occurred involving
22 a transportation network company driver, and the
23 times during which the driver was logged on to the
24 transportation network company's digital network or
25 software application service.

26 11. A driver shall carry proof of transportation
27 network company insurance coverage at all times during
28 which the driver is operating the motor vehicle in
29 connection with a transportation network company's
30 digital network or software application service. In
31 the event of an accident, a driver shall provide the
32 proof, upon request, to a peace officer and any party
33 to the accident.

34 12. a. A transportation network company shall
35 require a driver using its digital network or software
36 application service to notify any person that holds a
37 lien against the motor vehicle used by the driver to
38 provide transportation network company services that
39 the driver will be using the vehicle in a manner that
40 may violate the terms of the driver's contract with the
41 person.

42 b. If a transportation network company's insurer
43 makes a payment for a claim covered under comprehensive
44 or collision physical damage coverage, the
45 transportation network company shall cause its insurer
46 to issue the payment directly to the business repairing
47 the insured vehicle or jointly to the owner of the
48 vehicle and the primary lienholder on the vehicle.>

49 5. By renumbering as necessary.

PETTENGILL of Benton